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09300HB6415ham001

LRB093 15669 RLC 49235 a

1 AMENDMENT TO HOUSE BILL 6415

2 AMENDMENT NO. _____. Amend House Bill 6415 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Child Curfew Act is amended by changing
5 Section 1 as follows:

6 (720 ILCS 555/1) (from Ch. 23, par. 2371)

7 Sec. 1. Curfew.

8 (a) Definitions. In this Section.

9 (1) "Curfew hours" means:

10 (A) Between 12:01 a.m. and 6:00 a.m. Saturday;

11 (B) Between 12:01 a.m. and 6:00 a.m. on Sunday; and

12 (C) Between 11:00 p.m. on Sunday to Thursday,

13 inclusive, and 6:00 a.m. on the following day.

14 (2) "Emergency" means an unforeseen combination of
15 circumstances or the resulting state that calls for
16 immediate action. The term includes, but is not limited to
17 a fire, a natural disaster, an automobile accident, or any
18 situation requiring immediate action to prevent serious
19 bodily injury or loss of life.

20 (3) "Establishment" means any privately-owned place of
21 business operated for a profit to which the public is
22 invited including but not limited to any place of amusement
23 or entertainment.

24 (4) "Guardian" means:

1 (A) a person who, under court order, is the
2 guardian of the person of a minor; or

3 (B) a public or private agency with whom a minor
4 has been placed by a court.

5 (5) "Minor" means any person under 17 years of age.

6 (6) "Operator" means any individual, firm,
7 association, partnership, or corporation operating,
8 managing, or conducting any establishment. The term
9 includes the members or partners of an association or
10 partnership and the officers of a corporation.

11 (7) "Parent" means a person who is:

12 (A) a natural parent, adoptive parent, or
13 step-parent of another person; or

14 (B) at least 18 years of age and authorized by a
15 parent or guardian to have the care and custody of a
16 minor.

17 (8) "Public Place" means any place to which the public
18 or a substantial group of the public has access and
19 includes but is not limited to streets, highways, and the
20 common areas of schools, hospitals, apartment houses,
21 office buildings, transport facilities, and shops.

22 (9) "Remain" means to:

23 (A) linger or stay; or

24 (B) fail to leave premises when requested to do so
25 by a police officer or the owner, operator, or other
26 person in control of the premises.

27 (10) "Serious bodily injury" means bodily injury that
28 creates a substantial risk of death or that causes death,
29 serious permanent disfigurement, or protracted loss or
30 impairment of the function of any bodily member or organ.

31 (b) Offenses.

32 (1) A minor commits an offense if he or she remains in
33 any public place or on the premises of any establishment
34 during curfew hours.

1 (2) A parent or guardian of a minor commits an offense
2 if he or she knowingly permits, or by insufficient control
3 allows, the minor to remain in any public place or on the
4 premises of any establishment during curfew hours.

5 (3) The owner, operator, or any employee of an
6 establishment commits an offense if he or she knowingly
7 allows a minor to remain upon the premises of the
8 establishment during curfew hours.

9 (c) Defenses.

10 (1) It is a defense to prosecution under subsection (b)
11 that the minor was:

12 (A) accompanied by the minor's parent or guardian;

13 (B) on an errand at the direction of the minor's
14 parent or guardian, without any detour or stop;

15 (C) in a motor vehicle involved in interstate
16 travel;

17 (D) engaged in an employment activity or going to
18 or returning home from an employment activity, without
19 any detour or stop;

20 (E) involved in an emergency;

21 (F) on the sidewalk abutting the minor's residence
22 or abutting the residence of a next-door neighbor if
23 the neighbor did not complain to the police department
24 about the minor's presence;

25 (G) attending an official school, religious, or
26 other recreational activity supervised by adults and
27 sponsored by a government or governmental agency, a
28 civic organization, or another similar entity that
29 takes responsibility for the minor, or going to or
30 returning home from, without any detour or stop, an
31 official school, religious, or other recreational
32 activity supervised by adults and sponsored by a
33 government or governmental agency, a civic
34 organization, or another similar entity that takes

1 responsibility for the minor;

2 (H) exercising First Amendment rights protected by
3 the United States Constitution, such as the free
4 exercise of religion, freedom of speech, and the right
5 of assembly; or

6 (I) married or had been married or is an
7 emancipated minor under the Emancipation of Minors
8 Act.

9 (2) It is a defense to prosecution under clause (b) (3)
10 that the owner, operator, or employee of an establishment
11 promptly notified the appropriate local law enforcement
12 agency that a minor was present on the premises of the
13 establishment during curfew hours and refused to leave.

14 (d) Enforcement. Before taking any enforcement action
15 under this Section, a law enforcement officer shall ask the
16 apparent offender's age and reason for being in the public
17 place. The officer shall not issue a citation or make an arrest
18 under this Section unless the officer reasonably believes that
19 an offense has occurred and that, based on any response and
20 other circumstances, no defense in subsection (c) is present.

21 ~~It is unlawful for a person less than 17 years of age to be~~
22 ~~present at or upon any public assembly, building, place, street~~
23 ~~or highway at the following times unless accompanied and~~
24 ~~supervised by a parent, legal guardian, or other responsible~~
25 ~~companion at least 18 years of age approved by a parent or~~
26 ~~legal guardian or unless engaged in a business or occupation~~
27 ~~which the laws of this State authorize a person less than 17~~
28 ~~years of age to perform:~~

29 ~~1. Between 12:01 a.m. and 6:00 a.m. Saturday;~~

30 ~~2. Between 12:01 a.m. and 6:00 a.m. Sunday; and~~

31 ~~3. Between 11:00 p.m. on Sunday to Thursday, inclusive,~~
32 ~~and 6:00 a.m. on the following day.~~

33 ~~(b) It is unlawful for a parent, legal guardian, or other~~
34 ~~person to knowingly permit a person in his or her custody or~~

1 ~~control to violate subparagraph (a) of this Section.~~

2 (e) ~~(e)~~ A person convicted of a violation of any provision
3 of this Section shall be guilty of a petty offense and shall be
4 fined not less than \$10 nor more than \$500, except that neither
5 a person who has been made a ward of the court under the
6 Juvenile Court Act of 1987, nor that person's legal guardian,
7 shall be subject to any fine. In addition to or instead of the
8 fine imposed by this Section, the court may order a parent,
9 legal guardian, or other person convicted of a violation of
10 subsection (b) of this Section to perform community service as
11 determined by the court, except that the legal guardian of a
12 person who has been made a ward of the court under the Juvenile
13 Court Act of 1987 may not be ordered to perform community
14 service. The dates and times established for the performance of
15 community service by the parent, legal guardian, or other
16 person convicted of a violation of subsection (b) of this
17 Section shall not conflict with the dates and times that the
18 person is employed in his or her regular occupation.

19 (Source: P.A. 89-682, eff. 1-1-97.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."